

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 25, 2014 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Bryan Long, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Glen A. Waters, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:08 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Danny El Kouri, Word Alive Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bob Morford, Ward One
 Keith Jackson, Ward Two
 Rosemary Bellino-Hall, Ward Three
 Dwight Tanner, Jr., Ward Five
 Richard Zarle, Ward Six
 Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: Jay Burk, Ward Four

PRESENTATION OF CITIZEN OF MONTH FOR NOVEMBER 2014 TO WILLIAM SHANE

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to William Shane.

PROCLAMATION FOR AMERICAN EDUCATION WEEK

Mayor Fitch proclaimed November 2014 as American Education Week.

AUDIENCE PARTICIPATION:

Ray Garcia, Sr., Pastor at the Impact Center, invited the council to a December 2nd meeting from 7 p.m. to 8 p.m. at the Great Plains Coliseum, Building 100. He stated they had a reading class and Officer Stephanie Crawford read to some of the students at Sanders Heights. He is also part of Impact Lawton and Mission World which is an organization implementing twelve programs and will be explained at the meeting. They believe they can transform Lawton by helping young people break the cycle they have been in. He stated they have also handed out 30 turkey baskets to families in Lawton.

Haywood questioned when they go to Sanders Heights apartments.

Mr. Garcia stated they go on Thursdays to read but they will also come out when the manager calls them.

Haywood stated there may be some after school money available that may help their program.

Mayor Fitch thanked Mr. Garcia for the work they are doing.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR
MEETING OF NOVEMBER 11, 2014.

MOVED by Wells SECOND by Jackson to approve the minutes of the Lawton City Council regular meeting of November 11, 2014. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Wells requested item #18 be considered separately.

MOVED by Wells SECOND by Haywood to approve the consent agenda with the exception of item #18. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Bryan Bowles in the Workers' Compensation Court of Existing Claims, Case No. 2014-01139Y. Exhibits: **Resolution 14-147**.
2. Consider approving an Agreement for Limited Services between the Lawton Enhancement Trust Authority (LETA) and the City of Lawton to fund activities by LETA designed to encourage, promote and foster economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement for Limited Services and LETA Budget.
3. Consider accepting donation of surplus miscellaneous ammunition (approximately 200 rounds) for training purposes from Wal-Mart #269, 1002 SW Sheridan Road, Lawton, OK. Exhibits: None.
4. Consider accepting donation of \$500 by Wal-Mart #5071, for Lawton Police Department to aid in funding community awareness events for job opportunities hosted by the department. Exhibits: None.
5. Consider accepting a \$4,375.20 donation to the Library from the Friends of the Library to be designated for programming, supplies, and library material purchases. Exhibits: None.

6. Consider approving a request by the Comanche National Museum and Cultural Center to install a sign on the museum building depicting the Comanche Nation seal. Exhibits: letter of Request and Design of building sign.
7. Consider authorizing acceptance of two licenses for temporary access and further authorizing payment to Virgil Lee Goodin in the amount of \$2,500.00 and to Gregory G. Allison in the amount of \$2,500.00 in consideration of granting the City of Lawton temporary access to repair several manholes along the South Wolf Creek Trunk Expansion #1 Project # 07-2SSES. Exhibits: License for work on private property on file. Location map on file.
8. Consider accepting the maintenance bond and waterline to serve McMahon Tomlinson Skilled Nursing Facility located at 2007 NW 52nd Street. Exhibits: Location Map. Maintenance Bond on file in the City Clerk's office.
9. Consider adopting Street Light Resolution No. 486 to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 486
10. Consider acknowledging receipt of Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 113 linear feet of 6-inch PVC and 987 linear feet of 12-inch PVC waterline and all appurtenances to serve Wal-Mart Neighborhood Market located on the northeast corner of SW Lee Boulevard and SW 38th Street in the SW/4 of Section 35, T2N, R12W, Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.
11. Consider approving an agreement for the PEAK Performer Program with Public Service Company of Oklahoma (PSO), and authorize the Mayor, the City Manager or his designee to execute the Agreement. Exhibits: Agreements (On file with the City Clerk)
12. Consider authorizing the Mayor and City Clerk to execute a Permit with Stillwater Central Railroad, LLC for the construction of a segment of 2014 Waterline Replacement Phase 1 Project #2014-8. Exhibits: Permit documents are on file in Engineering Division office
13. Consider accepting a temporary easement from Summit Village, LLC, an Oklahoma limited liability company, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Document is on file in the City Clerk's office.
14. Consider accepting a warranty deed from Robert J. & Donna J. Robillard, husband & wife, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Document is on file in the City Clerk's office.

15. Consider accepting a warranty deed from Sam M. & Sheila R. Guffin, Co-Trustees of the Guffin Family Trust, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Document is on file in the City Clerk's office.
16. Consider accepting four permanent and five temporary easements from Charles & Sidonia K. Kelsey, husband and wife for right of way needed for the South Wolf Creek Trunk Expansion #3 and North Wolf Creek Trunk Expansion Phase 1 Project #14-2SSES authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Document is on file in the City Clerk's office.
17. Consider awarding (RFPCL15-013) Emergency Notification System to Everbridge of Glendale, CA. Exhibits: Department Recommendation, Abstract of Bids.
18. Consider awarding contract (CL15-018) Police Pursuit Vehicles/Cars to Billingsley Ford of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

Wells requested that they include the state contract price on the bid sheet so that they know they are within the 5%.

Tanner stated on the abstract of bids under total installed police equipment it should read \$6,347 and it reads 6.47.

MOVED by Wells SECOND by Zarle to award contract (CL15-018) Police Pursuit Vehicles/Cars to Billingsley Ford of Lawton, OK as amended. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

19. Consider approval of payroll for the period of November 10-23, 2014.

NEW BUSINESS ITEMS:

20. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to R-2 (Two-Family Dwelling District) zoning classification located at 2116 NW Bessie Avenue. Exhibits: Ordinance 14-___, Site Plan, Location Map, Application and CPC Minutes.

Richard Rogalski, Community Services Director, stated this request is for Lot 13, Block 2, Reynolds Addition, which contains approximately 9,768 square feet of lot area. The lot is vacant, and the applicant proposes to construct a duplex. There is a 10-foot wide public utility easement which bisects this lot. The easement was for a waterline which has been abandoned. The City has closed the easement, and the applicant is in the process of having the easement vacated. The applicant has been advised that a building permit cannot be issued until the public utility easement has been vacated by the district court. The zoning of the surrounding area is R-1 to the north, south, and east and R-3 to the west. The land use of the surrounding area is single-family residential to the north, south, and east, and apartments to the west. The 2030 Land Use Plan designates this area as Residential/High Density. On October 30, 2014, the City Planning

Commission held a public hearing on this request. No one spoke either for or against the request during the public hearing. The Commission, by a vote of 7 – 0, recommended approval of the request. Notice of public hearing was mailed to 65 property owners within 300 feet of the requested area on November 4, 2014, and proper notice was published in *The Lawton Constitution* on November 9, 2014.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Morford SECOND by Wells to adopt **Ordinance 14-37**, waive the reading of the ordinance, read the title only and establishing an effective date of June 1, 2014. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-37

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to R-2 (Two-Family Dwelling District) zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; approving the site plan attached as Exhibit A; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

21. Hold a public hearing and adopt a resolution declaring the structures located at: 520 S. Sheridan Avenue (**STRICKEN**), 703 S.W. 46th Street, 1104 S.W. 9th Street, 1155 N.W. Oak Avenue, 1401 N.W. Ozmun Avenue, 1416 S.W. Park Avenue (**STRICKEN**), 1501 SW “E” Avenue, 1505 N.W. Lawton Avenue, 1507 N.W. Lawton Avenue, 1704 N.W. Ozmun Avenue, to be dilapidated pursuant to Lawton City Code 6-5-1, ordering the owner(s) to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in district court to abate the nuisance. Exhibits: Resolutions and exhibits for each property.

703 S.W. 46th Street

Anthony Griffith, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since February 2009. Griffith presented photographs of the property

PUBLIC HEARING OPENED.

Michael Cross, property owner, stated the house has been vacant since 2009 but the electricity has always been on. He is in the process of repairing the property. He has boarded up the windows because kids were breaking them out. He requested 12 months to bring the property up to code.

Bellino-Hall questioned how long Mr. Cross has owned the property.

Mr. Cross stated since 1976. It was rental property for 12 years.

Bellino-Hall questioned when the last tenants moved out.

Mr. Cross stated 2009.

Bellino-Hall questioned where Mr. Cross has been since 2009.

Mr. Cross stated he has not had the money to put into the building.

Bellino-Hall stated if they put the property on the D&D list he will have 30 days to get a permit. She would not want to live next door to this property.

Jackson stated Mr. Cross will have 30 days to pull the permit and city staff will work with him to develop a plan to rehab the property.

PUBLIC HEARING CLOSED.

MOVED by Bellino-Hall SECOND by Jackson, to adopt **Resolution 14-148** declaring the structure located at 703 S.W. 46th Street to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

1104 S.W. 9th Street

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since August 2006. Griffith presented photographs of the property

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood SECOND by Zarle, to adopt **Resolution 14-149** declaring the structure located at 1104 S.W. 9th Street to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1155 N.W. Oak Avenue

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since February 2003. Griffith presented photographs of the property

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Jackson SECOND by Morford, to adopt **Resolution 14-150** declaring the structure located at 1155 N.W. Oak Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

Bellino-Hall questioned if these property owners were local.

Griffith stated some live within the community and some live outside.

1401 N.W. Ozmun Avenue

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since November 2006. Griffith presented photographs of the property

PUBLIC HEARING OPENED.

Steve Gaddis, property owner, stated he purchased the property in 2006 and the structure is boarded up but it is sound and does not leak. He stated he will bring it up to code.

Jackson stated this is his ward and there is an effort to clean up the neighborhood. He stated no one wants to tear down this home and he would like to see it remodeled and brought up to city code and have someone live in it. He is asking that this property be put on the D&D list which would give Mr. Gaddis the 30 days to pull a building permit which will give him time to rehab the house, but if he doesn't the city will take action.

PUBLIC HEARING CLOSED.

MOVED by Jackson SECOND by Morford, to adopt **Resolution 14-151** declaring the structure located at 1401 N.W. Ozmun Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

1501 SW “E” Avenue

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since September 2007. Griffith presented photographs of the property

PUBLIC HEARING OPENED.

Glenn Christianson, Verde Investments, stated his company owns the property. He stated they have already filed to demolish the house and are waiting on the permit to be issued. They have permits from PSO and the City but are waiting on CenterPoint. As soon as they have that permit it will be taken down.

Griffith stated they are willing to table this item and allow Mr. Christianson to pull this permit. If they place it on the D&D list tonight he would lose the privilege of the reduced tipping fees, which will be approximately \$1,500. This structure was scheduled to be brought to council on August 12 and Mr. Christianson did not follow up with pulling the permit at that time and that is why it is back on the agenda.

PUBLIC HEARING CLOSED.

MOVED by Tanner SECOND by Haywood, to table. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1505 N.W. Lawton Avenue

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since May 2009. Griffith presented photographs of the property

PUBLIC HEARING OPENED.

Sharon Smith, property owner, stated her dad bought the property for \$600 and that is her birthplace. She stated they just need to put it back together and requested some time.

Jackson stated no one wants to tear down these homes but they have received several complaints. He is going to recommend that they put it on the D&D list which will give them time to rehab the property.

PUBLIC HEARING CLOSED.

MOVED by Jackson SECOND by Morford, to adopt **Resolution 14-152** declaring the structure located at 1505 N.W. Lawton Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Bellino-Hall, Zarle, Wells. NAY: Tanner, Haywood. MOTION CARRIED.

Haywood stated he has known the Smiths for a long time.

1507 N.W. Lawton Avenue

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since May 2009. Griffith presented photographs of the property

PUBLIC HEARING OPENED.

Sharon Smith, property owner, stated they have just let this property go.

Tanner stated some of these structures are in bad shape and if the Smiths voluntarily take these structures down they will receive a discount at the landfill which would be a substantial amount of money. If they don't plan on investing the money to bring it up to code, then it might be beneficial to go ahead and have a demolition company come out and take these down and take advantage of this discount.

Mr. Smith stated they would like to tear the structures down. He questioned if they would be eligible for the discount.

PUBLIC HEARING CLOSED.

Griffith stated if the Smiths agree to take the structures down and the council tables this item, they would be entitled to a 50% discount at the landfill. He stated they would save between \$2,000 - \$2,500. If they fail to take it down it will come back to council.

Jackson questioned what time frame is reasonable.

Griffith stated if they pull a demo permit in the next 30 days, that would be reasonable.

Jackson clarified that the Smiths will be responsible for obtaining a contractor and paying for the demolition.

Mr. Smith stated he understands.

MOVED by Jackson SECOND by Morford, to table for 30 days. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1704 N.W. Ozmun Avenue

Griffith reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since November 2011. Griffith presented photographs of the property

PUBLIC HEARING OPENED.

Susan Oliver, property owner, stated she has brought paperwork showing that rehabilitation has started on the property because the previous renters tore up the home. She requested some additional time.

Jackson questioned if Ms. Oliver has pulled a building permit to start the reconstruction on the house.

Ms. Oliver stated she was not aware a permit was required for a roof and drywall.

Jackson stated he hoped Ms. Oliver would do something to the outside.

Ms. Oliver stated that may have to wait until spring. The inside is more important.

Jackson stated Ms. Oliver needs to talk with Mr. Griffith to see about getting a permit for the work to bring the structure up to city code.

Griffith stated they will do an inspection to make sure the electrical, plumbing and mechanical is safe. Ms. Oliver would require a permit for these things.

PUBLIC HEARING CLOSED.

MOVED by Jackson SECOND by Tanner, to table for 30 days. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

22. Consider an ordinance pertaining to utilities amending Section 22-2-1-218, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, relating to temporary or periodic restrictions on water usage, providing for severability, and establishing an effective date. Exhibits: Ordinance No. 14-__.

Jerry Ihler, Public Works Director, stated at the October 28, 2014 meeting, Council members requested that staff bring back revisions to the code section that sets out restrictions on water usage and authorized exemptions by expanding the Stage 4 water exemptions to include commercial nurseries and commercial car washes. This ordinance amends Section 22-2-1-218, Lawton City Code, 2005, by continuing the Stage 2 and Stage 3 water restriction exemptions for commercial car washes and service stations but additionally states the exemption for service stations applies equally to convenience stores selling motor vehicle fuels. This ordinance also amends Section 22-2-1-218 by expanding the Stage 4 water restriction exemptions to include commercial nurseries, commercial car washes, and service stations and convenience stores that sell fuels for motor vehicles.

Wells stated he was on this committee and he is not sure who is still on the committee. He suggested they call a committee meeting in the near future to get the committee reestablished.

Ihler stated Councilmember Wells may be the only remaining member.

Wells stated the committee did not intend to drive people out of business and people need to maintain a source of income and pay their debt services on their businesses. He suggested they also change the code that states that these businesses with car washes will be required to have a recycling system.

Mayor Fitch stated the committee still needs to address some of these items. This is something that needs to be addressed for new construction after this time frame.

Councilmember Morford and Tanner volunteered to sit on the committee with Wells and Burk.

MOVED by Wells SECOND by Haywood to adopt **Ordinance 14-38**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 14-38

An ordinance pertaining to utilities amending Section 22-2-1-218 Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, relating to temporary or periodic restrictions on water usage, providing for severability, and establishing an effective date of thirty days from today.

23. Consider awarding RFPCL15-006 Annual Audit to BKD, LLP of Tulsa, OK. Exhibits: Bid Matrix and Justification for recommendation.

Brooks Mitchell, Finance Director, stated staff previously went out for an RFP for auditing firms and they received five bids. After evaluating the bids he is recommending the contract be awarded to BKD, LLP of Tulsa, OK. Staff has had previous experience with this firm.

MOVED by Wells SECOND by Morford to award RFPCL15-006 Annual Audit to BKD, LLP of Tulsa, OK. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

FINANCE REPORT

Mitchell presented revenue and expenditure highlights for period ending October 31, 2014. (On file in the City Clerk's office).

Mayor Fitch requested the financial report have page numbers.

Wells stated on the Lawton Marketplace, in 58 months we will start getting that \$41,000.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated he attended National League of Cities and has provided staff with some information from workshops he attended.

Haywood stated he attended some good workshops at NLC, especially on safety issues.

Tanner congratulated the Lawton YMCA on their 100th anniversary. He stated the Christmas parade and Fishing for Food will be held on Saturday.

The Mayor and Council convened in executive session at 7:28 p.m. and reconvened in regular, open session at 8:14 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEM:

24. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending grievance from the International Association of Fire Fighters (IAFF), Local 1882 over the recently enacted tobacco free ordinance and take action in open session, if necessary. Exhibits: Union Grievance

Jensen read the title of item #24. No action was taken.

25. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending grievance from the International Union of Police Associations (IUPA), AFL-CIO, Local 24 over the recently enacted tobacco free ordinance and take action in open session, if necessary. Exhibits: Union Grievance

Jensen read the title of item #25. No action was taken.

There being no further business to consider, the meeting adjourned at 8:15 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK